

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

UNITED STATES OF AMERICA,

Plaintiff,

TEXAS LEAGUE OF YOUNG VOTERS  
EDUCATION FUND, *et al.*,

Plaintiff-Intervenors,

TEXAS ASSOCIATION OF HISPANIC  
COUNTY JUDGES AND COUNTY  
COMMISSIONERS, *et al.*,

Plaintiff-Intervenors,

v.

STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 2:13-cv-263 (NGR)

TEXAS STATE CONFERENCE OF NAACP  
BRANCHES, *et al.*,

Plaintiffs,

v.

NANDITA BERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-291 (NGR)

BELINDA ORTIZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants

Civil Action No. 2:13-cv-348 (NGR)

### REQUEST FOR JUDICIAL NOTICE

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, the United States respectfully asks the Court to take judicial notice of the following facts based on data produced by the Census Bureau. *See Hollinger v. Home State Mut. Ins. Co.*, 654 F.3d 564, 572-73 (5th Cir. 2011) (“United States census data is an appropriate and frequent subject of judicial notice.”); *Benavidez v. City of Irving*, 638 F. Supp. 2d 709, 721 (N.D. Tex. 2009) (taking judicial notice of an American Community Survey publication and observing “that the Census Bureau considers ACS data reliable and intends for it to be relied upon in decisions such as Voting Rights Act compliance”); *see also Wilson v. Ill. Cent. R.R. Co.*, No. 09-cv-7392, 20120 WL 135446, at \*3 (N.D. Ill. Jan 12, 2012) (taking judicial notice of ACS data and collecting cases). The three-judge courts that heard *Texas v. Holder*, the Section 5 declaratory judgment action regarding SB

14 (2011), and *Texas v. United States*, the Section 5 declaratory judgment action regarding Texas's 2011 redistricting plans, took judicial notice of similar data. *See* Minute Order, *Texas v. Holder*, No. 1:12-cv-128 (D.D.C. July 3, 2012); Order, *Texas v. United States*, No. 1:11-cv-1303 (D.D.C. Aug. 28, 2012) (ECF No. 228) (Ex. 1).

Facts regarding population and voting-age population figures reflect the aggregation and allocation of multiple race respondents as set forth in guidance issued by the Office of Management and Budget, OMB Bulletin 00-02 (Mar. 9, 2000), *available at* [http://www.whitehouse.gov/omb/bulletins\\_b00-02](http://www.whitehouse.gov/omb/bulletins_b00-02), and the Department of Justice, 76 Fed Reg. 7470, 7472 (Feb. 9, 2011), 66 Fed Reg. 5411, 5414 (Jan. 18, 2001); *see also Georgia v. Ashcroft*, 539 U.S. 461, 474 n.1 (2003); *Texas v. United States*, *supra*, at 2. Pursuant to that guidance, counts for persons who reported a single minority race are aggregated with those persons who reported a combination of white and that minority race. For example, the appropriate population counts for non-Hispanic black persons include all persons who self-identified on the Census as not Hispanic and self-identified as black alone or black in combination with white. Facts regarding socioeconomic indicators reflect data available on the Census Bureau American Factfinder application and therefore denote only individuals who are non-Hispanic black alone in the non-Hispanic black population.

Finally, American Community Survey data are reported with a 90 percent margin of error value. Where applicable, these margins of error have also been included. All census data supporting these facts are attached.

1. According to the 1990 Census, the State of Texas had a total population of 16,986,510

persons, including 10,291,680 non-Hispanic white persons (60.6%), 4,339,905 Hispanic persons (25.5%), 1,976,360 non-Hispanic black persons (11.6%), and 303,825 non-Hispanic Asian persons (1.8%). Ex. 2 at 2.<sup>1</sup>

2. According to the 1990 Census, the State of Texas had a voting-age population of 12,150,671 persons, including 7,828,352 non-Hispanic white persons (64.4%), 2,719,586 Hispanic persons (21.1%), 1,336,688 non-Hispanic black persons (11.0%), and 213,294 non-Hispanic Asian persons (1.8%). Ex. 2 at 4.
3. According to the 2000 Census, the State of Texas had a total population of 20,851,820 persons, including 10,933,313 non-Hispanic white persons (52.4%), 6,669,666 Hispanic persons (32.0%), 2,399,083 non-Hispanic black persons (11.5%), and 594,932 non-Hispanic Asian persons (2.8%). Ex. 2 at 1-3.
4. According to the 2000 Census, the State of Texas had a voting-age population of 14,965,061 persons, including 8,426,166 non-Hispanic white persons (56.3%), 4,282,901 Hispanic persons (28.6%), 1,639,173 non-Hispanic black persons (11.0%), and 437,215 non-Hispanic Asian persons (2.9%). Ex. 3 at 4-6.
5. According to the 2000 Census, the State of Texas had a citizen voting-age population of 13,299,845 persons, including 8,305,993 non-Hispanic white persons (62.5%), 2,972,988 Hispanic persons (22.4%), 1,590,832 non-Hispanic black persons (12.0%), and 225,374 non-Hispanic Asian persons (1.7%). Ex. 3 at 7-11.<sup>2</sup>

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<sup>1</sup> The 1990 Census did not permit respondents to self-identify as a member of more than one racial group. As a result, population counts from the 1990 Census do not require aggregation in accordance with OMB Bulletin 00-02.

<sup>2</sup> Citizen voting-age population data from the 2000 Census are reported in accordance with Part I of OMB Bulletin 00-02. This results in counts for the five single-racial groups as well as the four double-race  
(continued...)

6. According to the 2010 Census, the State of Texas has a total population of 25,145,561 persons, including 11,397,345 non-Hispanic white persons (45.3%), 9,460,921 Hispanic persons (37.6%), 2,975,739 non-Hispanic black persons (11.8%), and 1,027,956 non-Hispanic Asian persons. Ex. 4 at 1-3.
7. According to the 2010 Census, the State of Texas has a voting-age population of 18,279,737, including 9,074,684 non-Hispanic white persons (49.6%), 6,143,144 Hispanic persons (33.6%), 2,102,474 non-Hispanic black persons (11.5%), and 758,636 non-Hispanic Asian persons (4.2%). Ex. 4 at 4-6.
8. According to the 2006-2010 ACS, the State of Texas has a citizen voting-age population of 15,276,966 ( $\pm 14,248$ ) persons, including 8,800,442 ( $\pm 5,099$ ) non-Hispanic white persons (57.6%), 3,889,571 ( $\pm 11,549$ ) Hispanic persons (25.5%), 1,938,918 ( $\pm 4,208$ ) non-Hispanic black persons (12.7%), and 419,716 ( $\pm 3,618$ ) non-Hispanic Asian persons (2.7%). Ex. 5.<sup>3</sup>
9. According to the 2010-2012 ACS, the State of Texas has a poverty rate of 18.1% ( $\pm 0.1\%$ ). Non-Hispanic white persons have a poverty rate of 9.4% ( $\pm 0.1\%$ ); Hispanic persons, 26.9% ( $\pm 0.3\%$ ); and non-Hispanic black persons, 24.7% ( $\pm 0.4\%$ ). Ex. 6 at 9, 18.

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combinations most frequently reported: black and white, American Indian or Alaskan Native and white, American Indian or Alaskan Native and black, and Asian and white. The counts for those persons who reported a combination of white and a minority race are then aggregated pursuant to Part II of OMB Bulletin 00-02.

<sup>3</sup> Data from the 2006-2010 ACS and 2010-2012 ACS are not available for non-Hispanic persons who are black and white in combination or Asian and white in combination. Therefore, figures for non-Hispanic black persons reflect only those individuals who self-identified as non-Hispanic black alone and figures for non-Hispanic Asian persons reflect only those individuals who self-identified as non-Hispanic Asian alone. This request for judicial notice includes the most recent ACS data compilations for which racial breakdowns are accessible on the Census Bureau American Factfinder application.

10. According to the 2010-2012 ACS, 18.9% ( $\pm 0.1\%$ ) of Texans 25 years of age and older lack a high school diploma or equivalent. 7.6% ( $\pm 0.1\%$ ) of Non-Hispanic white persons lack a high school diploma, whereas 39.5% ( $\pm 0.3\%$ ) of Hispanic persons and 13.4% ( $\pm 0.3\%$ ) of non-Hispanic black persons lack a high school diploma. Ex. 6 at 4, 13.
11. According to the 2010-2012 ACS, the median household income in the State of Texas is \$50,776 ( $\pm \$162$ ). The median income is \$62,426 ( $\pm \$256$ ) for households headed by non-Hispanic white persons, \$38,600 ( $\pm \$311$ ) for households headed by Hispanic persons, and \$37,041 ( $\pm \$394$ ) for households headed by non-Hispanic black persons. Ex. 6 at 8, 17.
12. According to the 2010-2012 ACS, the median per capita income in the State of Texas is \$25,268 ( $\pm \$86$ ). The median per capita income is \$35,598 ( $\pm \$170$ ) for non-Hispanic white persons, \$14,768 ( $\pm \$81$ ) for Hispanic persons, and \$19,133 ( $\pm \$170$ ) for non-Hispanic black persons. See Ex. 6 at 8, 17.
13. According to the 2010-2012 ACS, the State of Texas has an unemployment rate of 8.4% ( $\pm 0.1\%$ ) within the civilian labor force. The unemployment rate is 6.7% ( $\pm 0.1\%$ ) for non-Hispanic white persons, 9.2% ( $\pm 0.2\%$ ) for Hispanic persons, and 14.1% ( $\pm 0.3\%$ ) for non-Hispanic black persons. Ex. 6 at 6, 15.
14. According to the 2010-2012 ACS, 16.1% ( $\pm 0.2\%$ ) of workers in Texas age 16 years or over commute by carpool, public transportation, walking, or other means besides driving alone. 12.0% ( $\pm 0.2\%$ ) of non-Hispanic white workers travel by one of these methods, whereas 21.0% ( $\pm 0.3\%$ ) of Hispanic workers and 17.1% ( $\pm 0.5\%$ ) of non-Hispanic black workers do so. Ex. 6 at 6, 16.

15. According to the 2010-2012 ACS, 6.0% ( $\pm 0.1\%$ ) of occupied housing units in the State of Texas have no vehicles available to them. 3.9% ( $\pm 0.1\%$ ) of households headed by an individual who is Non-Hispanic white have no vehicle available, whereas 7.0% ( $\pm 0.2\%$ ) of households headed by a Hispanic person and 12.9% ( $\pm 0.3\%$ ) of households headed by a non-Hispanic black person have no access to a vehicle. Ex. 6 at 10, 19.
16. According to the 2010-2012 ACS, 63.0% ( $\pm 0.2\%$ ) of housing units in Texas are owner-occupied. 71.1% ( $\pm 0.2\%$ ) of households headed by a non-Hispanic white person are owner-occupied, whereas 57.0% ( $\pm 0.3\%$ ) of households headed by a Hispanic person and 43.9% ( $\pm 0.4\%$ ) of households headed by a non-Hispanic black person are owner occupied. Ex. 6 at 9, 19.
17. According to the 2010-2012 ACS, 17.2% ( $\pm 0.1\%$ ) of Texas residents aged one and over had changed residences in the past year. 16.0% ( $\pm 0.2\%$ ) of non-Hispanic whites had moved, whereas 16.9% ( $\pm 0.2\%$ ) of Hispanics and 21.8% ( $\pm 0.4\%$ ) of non-Hispanic blacks had moved. See Ex. 6 at 5, 14.
18. According to the 2010-2012 ACS, 13.6% ( $\pm 0.1\%$ ) of all households in the State of Texas receive Supplemental Nutrition Assistance Program (“SNAP”) benefits. 6.6% ( $\pm 0.1\%$ ) of households headed by a non-Hispanic white person receive SNAP benefits, as do 23.2% ( $\pm 0.2\%$ ) of households headed by a Hispanic person and 22.8% ( $\pm 0.4\%$ ) of households headed by a non-Hispanic black person. Ex. 6 at 8, 17.
19. According to the 2010-2012 ACS, 8.6% ( $\pm 0.1\%$ ) of the voting-age population of the State of Texas are military veterans. 12.0% ( $\pm 0.1\%$ ) of non-Hispanic white persons are veterans, as are 4.1% ( $\pm 0.1\%$ ) of Hispanic persons and 9.7% ( $\pm 0.2\%$ ) of non-Hispanic black persons. Ex. 6 at 4, 14.

20. According to the 2010-2012 ACS, 11.5% ( $\pm 0.1\%$ ) of civilian noninstitutionalized persons in the State of Texas have a disability. 13.3% ( $\pm 0.1\%$ ) of non-Hispanic white civilian noninstitutionalized persons have a disability, as do 9.5% ( $\pm 0.1\%$ ) of such Hispanic persons and 13.7% ( $\pm 0.2\%$ ) of such non-Hispanic black persons. Ex. 6 at 4, 14.

Date: April 25, 2014  
KENNETH MAGIDSON  
United States Attorney  
Southern District of Texas

JOCELYN SAMUELS  
Acting Assistant United States  
Civil Rights Division

/s/ Daniel J. Freeman

T. CHRISTIAN HERREN, JR.  
MEREDITH BELL-PLATTS  
ELIZABETH S. WESTFALL  
BRUCE I. GEAR  
JENNIFER L. MARANZANO  
ANNA M. BALDWIN  
DANIEL J. FREEMAN  
Attorneys, Voting Section  
Civil Rights Division  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530



**CERTIFICATE OF CONFERRAL**

Pursuant to Local Rule 7.1(D)(1), I hereby aver that on April 22, 2014, I met and conferred with counsel for the private plaintiffs and counsel for Defendants. The private plaintiffs do not oppose the Request for Judicial Notice. Defendants do not object to the Court taking judicial notice of reports from the U.S. Census Bureau but oppose judicial notice of the summaries of those data contained in Paragraphs 1-20 of the Request.

/s/ Daniel J. Freeman  
Daniel J. Freeman  
Voting Section  
Civil Rights Division  
U.S. Department of Justice  
daniel.freeman@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2014, I served a true and correct copy of the foregoing via electronic mail on the following counsel of record:

John B. Scott  
John Reed Clay, Jr.  
Gregory David Whitley  
Jonathan F. Mitchell  
Sean Flammer  
Stephen Ronald Keister  
Arthur D'Andrea  
Jennifer Marie Roscetti  
Office of the Texas Attorney General  
john.scott@texasattorneygeneral.gov  
reed.clay@texasattorneygeneral.gov  
david.whitley@texasattorneygeneral.gov  
jonathan.mitchell@texasattorneygeneral.gov  
sean.flammer@texasattorneygeneral.gov  
ronny.keister@texasattorneygeneral.gov  
arthur.dandrea@texasattorneygeneral.gov  
jennifer.roschetti@texasattorneygeneral.gov

Ben Addison Donnell  
Donnell Abernethy & Kieschnick  
bdonnell@dakpc.com

*Counsel for Defendants*

Chad W. Dunn  
Kembel Scott Brazil  
Brazil & Dunn  
chad@bradzilanddunn.com  
scott@bazilanddunn.com

J. Gerald Hebert  
Emma Simson  
Campaign Legal Center  
ghebert@campaignlegalcenter.org  
esimson@campaignlegalcenter.org

Neil G. Baron  
Law Offices of Neil G. Baron  
neil@ngbaronlaw.com

Armand Derfner  
Derfner, Altman, & Wilborn  
aderfner@dawlawn.com

Luiz Roberto Vera, Jr.  
lrvlaw@sbcglobal.net

*Counsel for Veasey Plaintiffs*

Christina Swarns  
Ryan P. Haygood  
Natasha M. Korgaonkar  
Leah C. Aden  
Deuel Ross  
NAACP Legal Defense and Educational  
Fund, Inc.  
cswarns@naacpldf.org  
rhaygood@naacpldf.org  
nkorgaonkar@naacpldf.org  
laden@naacpldf.org  
dross@naacpldf.org

Danielle Conley  
Jonathan Paikin  
Kelly P. Dunbar  
Sonya L. Lebsack  
Ezra D. Rosenberg  
Amy L. Rudd  
Dechert LLP  
ezra.rosenberg@dechert.com  
amy.rudd@dechert.com

Wendy Weiser  
Jennifer Clark  
Myrna Pérez  
Vishal Agraharkar  
Brennan Center for Justice at NYU School of  
Law  
wendy.weiser@nyu.edu  
jenniferl.clark@nyu.edu  
myrna.perez@nyu.edu  
vishal.agraharkar@nyu.edu

Mark A. Posner  
Sonia Kaur Gill  
Erandi Zamora  
Lawyers' Committee for Civil Rights  
mposner@lawyerscommittee.org  
sgill@lawyerscommittee.org  
ezamora@lawyerscommittee.org

*Counsel for Texas State Conference of  
NAACP Branches Plaintiffs*

Gerald J. Sinzduk  
Lynn Eisenberg  
M. Hasan Ali  
Richard F. Shordt  
WilmerHale LLP  
danielle.conley@wilmerhale.com  
jonathan.paikin@wilmerhale.com  
kelly.dunbar@wilmerhale.com  
sonya.lebsack@wilmerhale.com  
Gerard.sinzduk@wilmerhale.com  
Lynn.eisenberg@wilmerhale.com  
hasan.ali@wilmerhale.com  
richard.shordt@wilmerhale.com

*Counsel for Texas League of Young Voters  
Plaintiff-Intervenors*

Jose Garza  
Marinda van Dalen  
Robert W. Doggett  
Peter McGraw  
Texas Rio Grande Legal Aid, Inc.  
jgarza@trla.org  
mvandalen@trla.org  
rdoggett@trla.org  
pmcgraw@trla.org

*Counsel for Ortiz Plaintiffs*

Rolando L. Rios  
Law Offices of Rolando L. Rios  
rrios@rolandorioslaw.com

Preston Edward Henrichson  
Law Offices of Preston Henrichson  
preston@henrichsonlaw.com

*Counsel for Texas Association of Hispanic  
County Judges and County Commissioners  
Plaintiff-Intervenors*

/s/ Daniel J. Freeman  
Daniel J. Freeman  
Voting Section  
Civil Rights Division  
U.S. Department of Justice  
daniel.freeman@usdoj.gov